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8 GO DADDY OPERATING COMPANY, LLC

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 GO DADDY OPERATING COMPANY,  
13 LLC,

14 Plaintiff,

15 vs.

16 USMAN GHAZNAVI a/k/a USMAN  
ANIS, SALMAN GHAZNAVI a/k/a  
17 SALMAN ANIS, SILICON VALLEY  
GRAPHIC, LLC d/b/a SILICON  
18 VALLEY GRAPHICS, and DOES 1  
through 50,


19 Defendant(s).  
20  
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24  
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Case No.: 17-CV-06545-PJH




[PROPOSED] ORDER GRANTING  
PRELIMINARY INJUNCTION

**WHEREAS** Plaintiff Go Daddy Operating Company, LLC (“Plaintiff”) initiated the above-styled action on November 10, 2017, alleging various federal and state law claims against Defendants Usman Ghaznavi a/k/a Usman Anis, Salman Ghaznavi a/k/a Salman Anis, and Silicon Valley Graphic, LLC d/b/a Silicon Valley Graphics (“Defendants”) for, among other things, trademark infringement, false designation, trademark dilution, cybersquatting, unfair competition, and false advertising;

**WHEREAS** Plaintiff is the owner of the following trademarks and has registered the following marks with the United States Trademark Office (the “GoDaddy Marks”):

REGISTRATION NUMBER	SERVICE MARK	SERVICES
4,549,193		<p>Increasing traffic flow to websites on the Internet, namely, promoting the goods and services of others by providing automated hypertext links to the websites of others using optimal search terms and search engines; Domain monetization services for others; Advertising services, namely, creating corporate and brand identity for others; Providing business management information on a wide variety of topics to service professionals; Providing business management consulting services, International Category 35.</p> <p>Designing, developing and hosting web sites for others on a global</p>

		<p>computer network; Design services for others, namely, design services in the nature of graphic design services for creating corporate logos; Global computer system domain name searching services, namely, conducting computer searches for the availability of domain names and a list of expired domain names, International Category 42.</p> <p>Providing user authentication service in e-commerce transactions on a global computer network; Computer services, namely, registering previously registered domain names by registering the domain names when the domain names become publicly available; Computer services, namely, registering domain names for use on a global computer network; Online social networking services, International Category 45.</p>
4,526,948	<b>GODADDY</b>	<p>Clothing, namely, men's and women's t-shirts, caps and hats, International Category 25.</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	4,472,643	GODADDY	[same as 4,549,193, above]
	4,472,631		[same as 4,549,193, above]
	4,517,021		[same as 4,549,193, above]
	3,672,975		Computer programs, namely, programs for creating, posting and maintaining websites on the global computer network; Computer graphics software, computer authoring software, and digitized graphics modules for designing and developing web sites on a global computer network; Computer software provided by means of a global computer network which assists a user in creating customized forms; Computer search engine software for enhancing search engine capabilities and increasing Internet traffic to web site; Computer programs, namely, for developing and displaying an interactive electronic storefront on a global network, for adding and managing a catalog of

		<p>products for selling on a global network, for processing payment calculation and collection over a global network, and for generating reports of web site activity for a designated site on a global network; Computer programs to assist others in marketing their businesses through the creation of targeted email campaigns, International Category 9.</p> <p>Increasing traffic flow to websites on the Internet, namely, promoting the goods and services of others by providing automated hypertext links to the websites of others using optimal search terms and search engines; Domain monetization services for others; Advertising services, namely, creating corporate and brand identity for others, International Category 35.</p>
3,672,972	GODADDY.COM	[same as 3,672,975, above]

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1       **WHEREAS** Plaintiff alleges that Defendants launched a campaign of IP misuse,  
 2 misappropriation, and abuse aimed at siphoning traffic from GoDaddy's websites and  
 3 profiting from the GoDaddy Marks. Defendants registered, operated, and continue to  
 4 own and operate more than thirty internet domain names (the "Infringing Domains")  
 5 that are identical to, or confusingly similar to and dilutive of, the GoDaddy Marks and  
 6 the GoDaddy Site. The Infringing Domains include, but are not limited to:

- 7           a.     g0daddydesigns.com
- 8           b.     godaddydesigns.com
- 9           c.     go-daddydesigns.com
- 10          d.     godesigndaddy.com
- 11          e.     godaddybrandagency.com
- 12          f.     godaddybranddesign.com
- 13          g.     godaddybranding.com
- 14          h.     godaddydesignagency.com
- 15          i.     godaddydesigners.com
- 16          j.     godaddydesignhub.com
- 17          k.     godaddydesignservice.com
- 18          l.     godaddydesignsolution.com
- 19          m.     godaddydomaindesigns.com
- 20          n.     godaddyexplainervideos.com
- 21          o.     godaddygraphicdesigns.com
- 22          p.     godaddyhostingdesign.com
- 23          q.     godaddyhostingdesigns.com
- 24          r.     godaddylogodesigns.com
- 25          s.     godaddylogosonline.com
- 26          t.     godaddymarketingagency.com
- 27          u.     godaddypremiumdesigners.com
- 28          v.     godaddypremiumdesigns.com

1 w. godaddypremiums.com  
2 x. godaddyprivacy.com  
3 y. godaddywebcoupon.com  
4 z. godaddywebsitecoupon.com  
5 aa. godaddywebdesign.com  
6 bb. godaddywebdesigns.com  
7 cc. godaddydesigncoupons.com  
8 dd. godaddyanimations.com  
9 ee. logodesigndaddy.com  
10 ff. logodesignsdaddy.com  
11 gg. logodaddycoupon.com

12 **WHEREAS** the infringement of the GoDaddy Marks and operation of the  
13 Infringing Domains, as well as associated customer complaints, establish a strong  
14 inference of substantial ongoing and irreparable harm;

15 **WHEREAS** Plaintiff has moved the Court for the issuance of a preliminary  
16 injunction;

17 **WHEREAS** Plaintiff has made a showing of ongoing harm to its goodwill and  
18 the general public as evidenced by, among other things, consumer complaints stemming  
19 from Defendants' infringing conduct;

20 **WHEREAS** Defendants were served on November 14 and 17, 2017 with the  
21 Complaint and Summons (Dkt. Nos. 16, 17, 18), and subsequently served with  
22 Plaintiff's Motion for Preliminary Injunction on January 10, 2018.

23 **WHEREAS** having reviewed and considered the facts, evidence, and arguments  
24 presented by Plaintiff in support of its Motions, and the files and records of this case,  
25 along with the facts, evidence, and arguments presented by Defendants, and having  
26 considered applicable law, and for the irreparable future harm, and other good cause  
27 shown; and

28 ///

1       **WHEREAS** the Court conducted a hearing on Plaintiff's Motion for a  
 2 Preliminary Injunction on February 14, 2018, at which time Plaintiff demonstrated the  
 3 existence of substantial current, ongoing, and the high likelihood of future harm,  
 4 including harm to Plaintiff's goodwill, dilution of its Marks, and harm to its consumers  
 5 stemming from Defendants' conduct including, but not limited to, Defendants'  
 6 infringement of the GoDaddy Marks;

7       **IT IS EVIDENT THAT:**

- 8       1. Plaintiff has demonstrated a substantial likelihood it is likely to prevail on its  
 9 claims for (1) Trademark Infringement pursuant to 15 U.S.C. § 1114 (2) False  
 10 Designation of Origin pursuant to 15 U.S.C. § 1125, (3) Trademark Dilution,  
 11 (4) Cybersquatting, 15 U.S.C. § 1125(d), (5) Unfair Competition Pursuant to  
 12 Cal. Bus. & Prof. Code §§ 17200 et seq., (6) False Advertising Pursuant to  
 13 Cal. Bus. & Prof. Code § 17500, (7) California Common Law Trademark  
 14 Infringement, (8) Intentional Interference With Prospective Economic  
 15 Advantage, and (9) Accounting.
- 16       2. Plaintiff is likely to be irreparably harmed as a result of Defendants' continued  
 17 infringement of the GoDaddy Marks, and by Defendants' continued operation  
 18 of infringing domain names, and such injury is shown both by the likely  
 19 infringement of the GoDaddy Marks and other conduct and evidence shown  
 20 in GoDaddy's Motion including, but not limited to, consumer reaction to  
 21 Defendants' conduct;
- 22       3. The balance of hardships tips sharply in Plaintiff's favor because Defendants  
 23 will not suffer significant or cognizable injury through entry of this Order  
 24 because *inter alia* Defendants' conduct appears to be in violation of the law;  
 25 and
- 26       4. The entry of this Order is clearly in the public interest given the outcry among  
 27 consumers regarding Defendants' conduct.

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1 Accordingly, and pursuant to Rule 65 of the Federal Rules of Civil Procedure, 15  
2 U.S.C. § 1116, the Court **GRANTS** Plaintiff's request for a Preliminary Injunction and  
3 **IT IS HEREBY ORDERED** that:

4 1. Defendants, and each of them as well as Defendants' officers, agents,  
5 servants, employees, attorneys, shareholders, members, managers, and those  
6 persons who are in active concert or participation with them, and all those who  
7 receive actual or constructive notice of this order by personal service or  
8 otherwise, are enjoined, from the following:

- 9 a. Advertising, marketing, distributing, selling, sending emails, text  
10 messages, making phone calls, publishing, including the publication of  
11 any webpage or electronic media bearing the GoDaddy Marks or any  
12 variations thereof, including any similar representations or renderings  
13 of the GoDaddy Marks, and including any kind of distribution of any  
14 social media of any kind displaying any of the GoDaddy Marks, or  
15 similar representations or renderings thereof;
- 16 b. Operating, registering, continuing to use, continuing to display the  
17 GoDaddy Marks upon, siphoning traffic from, generating sales, leads,  
18 or internet traffic from, or otherwise continuing to utilize in any  
19 manner, any of the Infringing Domains, and any similar such Domains  
20 that display any of the GoDaddy Marks, or representations that are  
21 similar to the GoDaddy Marks;
- 22 c. Destroying, moving, concealing, transferring, damaging or failing to  
23 preserve any data, media, documents, materials, or information of any  
24 kind that contains any representation or information related to the  
25 GoDaddy Marks;
- 26 d. Concealing, altering, injuring, destroying, or failing to preserve in their  
27 present form, corporate books and records, including any and all  
28 financial records related to any use, misuse, or reference to any of the

GoDaddy Marks including, but not limited to, any and all sales made  
in connection with or reference to the GoDaddy Marks;

**IT IS FURTHER ORDERED** that pursuant to Rule 65(c), Plaintiff shall by  
\_\_\_\_\_, post a bond in the total amount of \$5,000 as a condition to  
entry of this Preliminary Injunction.

**IT IS SO ORDERED.**

Dated: February \_\_, 2018

By: \_\_\_\_\_

HON. PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA